

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

JARELL D. TERRY
ADC #149998

PLAINTIFF

v.

2:20-cv-00246-JM-JJV

CAMERON MOORE, Lieutenant,
East Arkansas Regional Unit Max, ADC

DEFENDANT

ORDER

The Court has reviewed the Partial Recommendation submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed, and the time to do so has passed. After careful review, this Court adopts the Partial Recommendation in its entirety as its findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. 63) is DENIED.
2. Defendant's Motion for Summary Judgment (Doc. 72) is GRANTED in part and DENIED in part.
3. Plaintiff's request for monetary damages from Defendant Moore in his official capacity is DISMISSED with prejudice.
4. Plaintiff may proceed to trial on his excessive force claim seeking injunctive relief from Defendant Moore in his official capacity and monetary damages from him in his individual capacity.
5. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 28th day of March, 2022.


UNITED STATES DISTRICT JUDGE